

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAI L. CHU,

Plaintiff,

vs.

BAC HOME LOANS SERVICING, LP, *et al.*,

Defendants.

Case No. 2:11-cv-01400-ECR-CWH

ORDER

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Improper Complaint Against MERS and Recontrust (#27), filed March 15, 2012


Pursuant to Fed. R. Civ. P. 15, "[a] party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a). Each of the time periods in which Plaintiff could have amended the complaint as a matter of course has passed. Consequently, the Plaintiff may only amend the complaint "with the opposing party's written consent or the court's leave." *See* Fed. R. Civ. P. 15(a)(2). Here, Defendants do not consent to the filing of the proposed amended complaint. *See* (#26). Further, Plaintiff has failed to comply with the Court's Local Rules governing motions for leave to amend pleading. Pursuant to LR 15-1, Plaintiff must file a motion for leave to amend and attach the proposed amended pleading to the motion so that it will be complete in itself. *See* LR 15-1(a).

Based on the foregoing and good cause appearing therefore,

IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff's Improper Complaint Against MERS and Recontrust (#27) is **granted**. At this stage in the proceedings, Plaintiff must file a motion for leave to amend the complaint. Plaintiff is not precluded from doing

1 so, but the motion must be fully compliant with both the Federal Rules and this Court's Local
2 Rules.

3 DATED this 29th day of March, 2012.

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7 **C.W. Hoffman, Jr.**
8 **United States Magistrate Judge**
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